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November 24, 1980

Permit Consideration for Syntex Agribusiness  
Remedial Action, Denny Farm Site

Robert L. Morby  
Chief, Hazardous Materials Branch

Renelle P. Rae  
Enforcement Division, Legal Branch

The construction of hazardous waste management facilities comes under the purview of the May 19, 1980, Federal Register dealing with hazardous waste management, the Missouri Hazardous Waste Management Statutes and rules and the Toxic Substances Control Act (TSCA) Register dated March 11, 1980. The remedial action and proposed construction at the Denny Farm Site and at the Verona plant site fall within these regulations since the wastes contain priority pollutants and fail the ignitable characteristic.

The following table summarizes the possible permits required by Syntex.

make cc for Denny Farm File  
Site: Syntex Verona  
ID #: MoD007452154  
Break: 11-2  
Other: NPPDES  
11-24-80

<u>Facility</u>	<u>Location</u>	<u>Federal Permit</u>	<u>State Permit</u>
Temporary Storage Area	Denny Farm Site	Part 122 and Part 124	
Temporary Storage Area	Verona Plant Site	Sec. 122.22(b) New HWM Facilities (Assumes Storage of HW beyond 90 days, see 262.34 Accumulation time)	Requires permit. <sup>x</sup> Special session amendments in Mo. law 260.395(13)
Microbial Degradation Basins	Denny Farm Site	Sec. 122.22(b)	Viewed as off-site <del>site</del> ; would require permit 10 CSR 25-7.050 <i>Revised 7/6/80</i>

HM:HAZM/SPS:KS Ritchey:jz:6534:11/24/80

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SUPERFUND RECORDS

<u>Facility</u>	<u>Location</u>	<u>Federal Permit</u>	<u>State Permit</u>
Trench Area Cover	Denny Farm Site	Section 122.22(b)	Requires permit. <sup>x</sup> See special session 260.395(13)
Dioxin Detoxification Process	Verona Plant Site	Sec. 122.22(a) (Also Sec. 122.22(b))	Requires permit under Missouri Off-Site Treatment 10 CSR 25-7.010

<sup>x</sup> No rules promulgated at present.

Based on a review of the notification records on November 24, 1980, Syntex Agribusiness in Missouri had filed notification as a "generator" of hazardous wastes at the Verona and Springfield plants. Based on this file information, no permits would be required at either facility. This, of course, is not the case. The dioxin detoxification process at the Verona plant both stores and treats hazardous wastes and will require a storage and treatment permit. Had Syntex filed Part A of the permit application on the process and storage tanks, they would have received interim status. Since no Part A application was received as noted above and the notification form was not amended to reflect storage and treatment facilities, the facilities will now be viewed under Section 122.22(b) as "new facilities." The proposed construction at the Denny Farm Site and the Verona plant would also be viewed as "new facilities."

Section 122.27 of the regulations addresses "Emergency Permits" which the Administrator of EPA or Director of a State Program can issue during a period unless there is an "imminent and substantial endangerment to human health or the environment." Should remedial actions at the Denny Farm Site and the Verona plant site be viewed in this context, the above Federal permits could be issued as emergency permits. On the other hand, if Syntex had filed Part A of the permit application at both locations and received interim status, then page 33434, Section 122.23(c)(3), would address changes in processes for treatment, storage or disposal of hazardous waste to facilities having interim status. In this case the company justifies the change and the Director/Administrator could approve the change. Finally, the disposal trenches on Syntex property are not addressed in this memorandum, but many of the considerations for the Denny Farm Site and Verona plant site would apply.

The Missouri statutes and rules also would require permits at the Denny Farm Site and Verona plant. The amendments to the Missouri Hazardous Waste Management law made in the 1980 Special Session of the Missouri General Assembly require permits for on-site storage; however, the Department has not finalized rules to date for on-site storage applicable in this case to the Denny Farm Site. Missouri does have permit requirements in place for off-site storage facilities. If storage is beyond 90 days the off-site storage facilities at the Verona plant would require a Missouri storage permit. For the treatment process, treating farm site wastes or processing these wastes, an off-site Missouri treatment permit would be needed. For the microbial degradation basins at the Denny Farm Site, a landfarm permit under Missouri rules would be needed.

The Missouri Department of Natural Resources (MDNR) may be able to use the Imminent Hazard provision of the statute 260.420 to move forward with remedial actions at the Denny Farm Site by "issuing an order directing the hazardous waste generator, transporter, facility operator or any other person who is the custodian or has control of the waste which constitutes such hazard, to eliminate such hazard." Further discussion with MDNR on this approach in lieu of permitting is recommended.

If you have additional questions concerning permits needed by Syntex to comply with the Consent Agreement, please contact Mr. Kenneth S. Ritchey at 374-6534.